

REMARKS

Claims 1-15 and 18-22 remain pending in the application.

35 USC 112 Second Paragraph Rejection of Claims 1, 8, 11, 14, 18 and 21

The Office Action rejected claims 1, 8, 11, 14, 18 and 21 as allegedly being indefinite under 35 USC 112.

In particular, the Examiner rejects claims 1, 8 and 11 for reciting “securing a voice message” without allegedly reciting what is a secured voice message and how to make a voice message secure. However, “claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation.’” MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)). The Examiner is directed to the Applicants’ specification at, e.g., page 7, lines 3-8 that discloses a secure voice message is a voice message that is given limited access. Thus, Applicants claims and specification use the term secure as accepted within the art and even within common English language definition of such a term. If the Examiner continues to ignore the definition of secure as accepted within the art and even within common English language definition of such a term, the Examiner is respectfully requested to call Applicants to discuss the claimed features.

Moreover, how the message is made secure is irrelevant, with the claimed features dependent on the voice message being secure **NOT** on how that security is achieved.

In particular, the Examiner rejects claims 14 and 21 as allegedly being unclear in how a non-existing voice message can be secured before recording. As Applicants disclose within their specification at page 6, lines 28-29 a particular security status of a voice message may be designated with, e.g., TAG or other header information. Thus, a security status of a voice message can be designated in a TAG or other header information that can be formulated before a voice message is recorded.

It is respectfully submitted that claims 1, 8, 11, 14, 18 and 21 are

now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1, 11 and 18 over Mizikovsky

In the Office Action, claims 1, 11 and 18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 5,559,860 to Mizikovsky ("Mizikovsky"). The Applicants respectfully traverse the rejection.

Claims 1-7, 9-15 and 18-22 recite a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

The Examiner alleges Mizikovsky discloses allowing a caller to leave a voice message upon matching an incoming caller ID with a pre-stored caller ID at col. 6, lines 18-30 and 51-60 (see Office Action, page 3). The Examiner alleges that Mizikovsky's disclosure of leaving a voice message equates to Applicants' claimed securing a voice message (see Office Action, page 3). The Applicants respectfully disagree.

As Applicants discussed above, the Examiner is **IGNORING** the definition of secure as accepted within the art and even within common English language definition of such a term. Thus, the Examiner is correct that Mizikovsky discloses allowing a caller to leave a voice message upon matching an incoming caller ID with a pre-stored caller ID **NOT** disclosing or suggesting applying any type of **SECURITY** (limiting access) to a voice message, i.e., allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1-7, 9-15 and 18-22.

A benefit of a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information is, e.g., automating **SECURITY** of a voice message that is controlled by an owner of a telephone answering device.

Caller ID service is provided by a telephone service provider and is automatically transmitted to a subscriber. By basing **SECURITY** on Caller ID information, an owner of a telephone answering device can therefore establish which callers are given an option to have their voice messages secured. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For at least the foregoing reasons, claims 1-7, 9-15 and 18-22 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 1, 2, 7-13, 15, 18-20 and 22 Burgess in view of Mizikovsky

In the Office Action, claims 1, 2, 7-13, 15, 18-20 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Pat. No. 6,359,970 to Burgess ("Burgess") in view of Mizikovsky. The Applicants respectfully traverse the rejection.

Claims 1, 2, 7-13, 15, 18-20 and 22 recite a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

The Examiner alleges that Burgess's voice message is secured since it is stored in a non-volatile memory medium (see Office Action, page 5). The Applicants respectfully disagree.

As discussed above, the Examiner is **IGNORING** the definition of secure as accepted within the art and even within common English language definition of such a term. Thus, the Examiner allegation that a voice message is secured since it is stored in a non-volatile memory medium is unsubstantiated and inaccurate. The Examiner is respectfully requested to apply the definition of secure as accepted within the art and even within common English language definition of such a term to the claimed features. Any person using Burgess's system has unrestricted access to the voice messages stored therein. Thus, with the proper definition as accepted within the art and even within common English language definition applied to the claimed features, Burgess fails to disclose or suggest allowing a party calling a telephone answering device to secure a voice

message, much less upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1, 2, 7-13, 15, 18-20 and 22.

As discussed above, Mizikovsky fails to disclose or suggest applying any type of **SECURITY** (limiting access) to a voice message, i.e., allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1, 2, 7-13, 15, 18-20 and 22.

Thus, Burgess modified by Mizikovsky, if such a combination were obvious which it is not, would theoretically result in simply limiting a caller's ability to store a voice message based on caller ID **NOT** disclose or suggest applying any type of **SECURITY** (limiting access) to a voice message, i.e., allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1, 2, 7-13, 15, 18-20 and 22.

For at least the foregoing reasons, claims 1, 2, 7-13, 15, 18-20 and 22 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 3-6 over Burgess in view of Mizikovsky and Knuth

In the Office Action, claims 3-6 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Burgess in view of Mizikovsky, and further in view of U.S. Pat. No. 5,400,393 to Knuth ("Knuth"). The Applicants respectfully traverse the rejection.

Claims 3-6 recite a system to allow a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

As discussed above, Burgess in view of Mizikovsky fails to disclose or suggest a system to allow a party calling a telephone answering device to

secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 3-6.

The Examiner relies on Knuth to make up for the deficiencies in Burgess in view of Mizikovsky to arrive at the claimed features. In particular, the Examiner relies on Knuth to disclose a telephone answering machine that relies on a plurality of access codes which enable a caller to store a voice message in different storage areas (see Office Action, page 11). However, Knuth fails to disclose or suggest a voice messaging system that conditionally allows a caller to secure a voice message based on Caller ID matching pre-stored caller ID information, i.e., a system to allow a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 3-6.

Thus, Burgess modified by Mizikovsky and Knuth, if such a combination were obvious which it is not, would theoretically result in simply limiting a caller's ability to store a voice message based on caller ID in a particular mailbox **NOT** disclose or suggest applying any type of **SECURITY** (limiting access) to a voice message, i.e., allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 3-6.

For at least the foregoing reasons, claims 3-6 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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